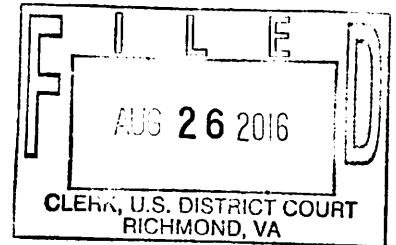


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



UNITED STATES OF AMERICA

v.

Criminal Action No. 3:96CR66

RICHARD ANTHONY THOMAS

MEMORANDUM OPINION

By Memorandum Opinion and Order entered on August 19, 2002, the Court denied a 28 U.S.C. § 2255 motion filed by Richard Anthony Thomas. (ECF No. 1707, 1708.) On July 5, 2016, the Court received another 28 U.S.C. § 2255 motion from Thomas that he filed on the forms for filing a 28 U.S.C. § 2244 motion with the United States Court of Appeals for the Fourth Circuit ("July 5, 2016 § 2255 Motion," ECF No. 1903).

The Antiterrorism and Effective Death Penalty Act of 1996 restricted the jurisdiction of the district courts to hear second or successive applications for federal habeas corpus relief by prisoners attacking the validity of their convictions and sentences by establishing a "gatekeeping mechanism." Felker v. Turpin, 518 U.S. 651, 657 (1996) (internal quotation marks omitted). Specifically, "[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." 28 U.S.C. § 2244(b)(3)(A). The Court has

not received authorization from the United States Court of Appeals for the Fourth Circuit to entertain Thomas's July 5, 2016 § 2255 Motion. Accordingly, June 27, 2016 § 2255 Motion (ECF No. 1903) will be dismissed for want of jurisdiction. The Court will deny a certificate of appealability.

Because Thomas used the forms for filing a 28 U.S.C. § 2244 motion with the Fourth Circuit, the Clerk will be directed to forward the § 2244 motion and the accompanying memorandum to the Fourth Circuit.

The Clerk is directed to send this Memorandum Opinion to Thomas and counsel for the United States.

It is so ORDERED.

/s/ *REP*
Robert E. Payne
Senior United States District Judge

Richmond, Virginia

Date: *August 25, 2016*